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Letter of the Secretary of the Interior, communicating Information in relation to the Tabequache band of Utah Indians, and the treaty of the 2d of March, 1868, with the Utah Indians.

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LETTER
OF
THE SECRETARY OF THE INTERIOR,
COMMUNICATING

Information in relation to the Tabeguache band of Utah Indians, and the treaty of the 2d of March, 1868, with the Utah Indians.

JUNE 27, 1868.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., June 26, 1868.

SIR: On the 7th of October, 1863, a treaty was concluded between the United States and the Tabeguache band of Utah Indians, setting apart a reservation for them, and providing in the 10th article of the treaty—

That in case the chiefs of said band shall announce to the agent a willingness and determination on their part, and on the part of their people, to begin and follow agricultural or pastoral pursuits by farming or raising stock and growing wool, upon such lands to be selected and set apart within said reservation, and according to such regulations as the Secretary of the Interior may prescribe, they shall receive the following donations of stock to aid them in their endeavor to gain a livelihood by such new pursuits, viz:

Of cattle, not exceeding 150 head annually during five years, beginning with the ratification of this treaty.

Of sheep, not exceeding 1,000 head annually during the first two years after the ratification of this treaty, and 500 head annually during the three years thereafter.

The Secretary of the Interior may also direct that their share of annuity goods and provisions shall be of a character suited to such change of life: *Provided, however,* That such stock shall only be donated as long as such chiefs shall in good faith keep and use the same for the purposes indicated in this article: *And provided, That the amount expended under this article shall not exceed \$10,000 annually.*

This treaty has never been carried into effect.

Recently the department was advised by the Indian bureau that, in accordance with the provisions of the 10th article above referred to, the chiefs of said band had announced to the agent a willingness and determination on their part, and on the part of their people, to begin and follow agricultural or pastoral pursuits by farming or raising stock and growing wool upon said reservation.

The bureau was thereupon instructed to cause the Tabeguaches to be removed to their reservation, and \$10,000 worth of stock to be purchased and delivered to them in accordance with the stipulations of the treaty, the amount to be expended in any one year for that purpose being limited by the treaty to that sum.

There are seven bands of the Utah Indians, and Governor Hunt of Colorado who is *ex officio* superintendent of Indian affairs in that Territory, now reports that, in his opinion, "to remove one of these bands, and leave the other six to roam about among the settlements, will not in the least remedy existing difficulties either among Indians or whites;" and that "unless money can be furnished for the building of two agencies, the removing of the agents and Indians

to the reservation, and supplying to each family one cow and five sheep, it will be better to withhold the whole amount for the present."

This department has neither authority nor means to carry out the above suggestions. The reservation set apart by the treaty of October 7, 1863, above referred to, is for the Tabeguaches alone, and the department cannot cause the other six bands, or any part of them, to be removed to it.

The money, stock, &c., provided for by that treaty are likewise for the Tabeguaches alone, and the department cannot divert any portion of either to the benefit of other bands or tribes.

But on the 2d day of March, 1868, a treaty was concluded between the United States and all the seven bands of Utah Indians, viz: the "Tabeguaches," "Muaches," "Capotes," "Weeminuches," "Yampas," "Grand Rivers," and "Uintahs." This, if ratified, will substantially supersede the treaty first mentioned with the Tabeguaches, and enable the department to have all the seven bands removed to the reservation provided for them by the new treaty, which is now before the Senate for its consideration; but, as it has not yet been ratified, no action can be taken under it by the department.

I submit herewith, for the information of the Senate, a copy of a letter from this department to the Commissioner of Indian Affairs, dated May 26, 1868; copy of letter from A. C. Hunt, governor and *ex officio* superintendent of Indian affairs for Colorado Territory, to the Commissioner of Indian Affairs, dated June 8, 1868; and copy of letter from the Commissioner of Indian Affairs to this department, dated the 22d instant.

Very respectfully, your obedient servant,

O. H. BROWNING, *Secretary.*

Hon. BENJAMIN F. WADE,

President pro tempore United States Senate.

DEPARTMENT OF THE INTERIOR,

Washington, May 26, 1868.

SIR: I was informed by your letter of the 11th ultimo, that Governor Hunt, as well as the agent of the Tabeguaches, had reported to the bureau the fact that the chiefs of that band had announced the wish and intention of themselves and their people to settle upon their reservation in accordance with the provisions of the treaty of October 7, 1863. Acting upon this information, you were instructed, by letter from this department of the 20th instant, to proceed to carry the treaty into execution.

The letter from Governor Hunt of the 11th instant, which you have now laid before me, puts it in doubt whether the Tabeguaches have ever announced their intention as reported, and leaves the inference quite strong that they do not intend to, and will not unless more is done for them at once than is required, or can be done by the terms of the treaty.

I do not understand these contradictory statements of Governor Hunt.

He recommends that a large amount of money be placed in his hands, to be expended for the benefit of the seven bands of Utes, including the Tabeguaches.

The government has no treaty relations with any of them except the Tabeguaches, and no funds have been appropriated for any other than that band.

Money appropriated for them cannot be diverted to the use of others. It is Governor Hunt's duty, as superintendent, to do all in his power to get the Tabeguaches on to their reservation, and then to carry out the treaty with them as instructed.

If they are ready and willing to go, let them be taken there by the agent, and \$10,000 expended for them as provided by the treaty.

If they refuse to go, the expenditure will not be made. You will not place the money subject to the control of either superintendent or agent, until you are definitely advised that the Indians are ready and willing to go to their reservation, there to remain.

I am, sir, very respectfully, your obedient servant,

O. H. BROWNING,
Secretary.

Hon. C. E. MIX,
Acting Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, Washington, D. C., June 22, 1868.

SIR: Referring to your communication of the 26th ultimo, relative to the purchase of stock, cattle, and sheep, for the Tabeguache band of Utah Indians, I have the honor to state that on the 1st instant a copy thereof was transmitted to Governor Hunt, with advice that, whenever this office was definitely advised that the Indians would, in good faith, go to their reservation with the intention, of remaining there, the amount, \$10,000, stipulated in the treaty of October, 1863 with said band, to be expended for them, annually, for cattle and sheep, would be placed at his disposal. He was also instructed to take steps to ascertain the views and wishes of the chiefs and principal men of said band, in regard to their removal, and report the same to this office.

I enclose, herewith, a copy of the governor's reply to said office letter, dated the 8th instant, in which he expresses the opinion that he can remove the entire band of Tabeguaches, on being authorized to assure them that their agent will remain with them, and that the cattle, sheep, and other annuities due them by the stipulations of their treaty will be promptly supplied, but that to move one of the bands—party to the late treaty—and leave the other six to roam about among the settlements, will not remedy the existing difficulties. Also, that unless money can be furnished for the building of two agencies, for the removing of the agents and Indians, and for supplying to each family one cow and five sheep, the whole amount should be withheld for the present. He also says that it is now too late to go to the reservation before the rise of the streams, but that they will run down by the 1st of August, after which, until the 1st of November, the passage may be effected.

He does not say that the question has been submitted to the chiefs and principal men, per instructions contained in said office letter, but says they have from time to time signified to their agents and superintendents their willingness and anxiety to remove to their new homes, provided their agent would go with them to locate their agency and comply with other stipulations of their treaty.

I do not see that the governor's letter throws any additional light upon the subject, and the matter is, therefore, respectfully submitted for your consideration and for such instruction in the premises as may be deemed proper and necessary. I concur in the governor's opinion.

Very respectfully, your obedient servant,

N. G. TAYLOR,
Commissioner.

Hon. O. H. BROWNING,
Secretary of the Interior.

OFFICE OF THE SUPERINTENDENCY OF INDIAN AFFAIRS,
Colorado Territory, Denver, June 8, 1868.

SIR: I have the honor to acknowledge the receipt of your letter of June 1st, enclosing copy of letter from the Hon. Secretary of the Interior, addressed to

you, bearing date 21st May, referring to annuities of stock due the Tabeguache Utes. I had before been informed of the decision of the Hon. Secretary, and was much surprised thereat, though I know that he does not fully comprehend the situation, or his ruling would have been different.

In the copy of his letter above referred to, he speaks of inconsistencies in my former letters, which upon a careful review I am myself unable to detect. I will endeavor in this communication to set forth the facts in the case as clearly as possible.

First—the Conejos or Tabeguache agency is located in the San Luis valley, in the midst of a number of Mexican settlements, where it has been for the past eight or nine years; and since the making of the Tabeguache treaty by which all this valley was ceded to the government, it has not been moved, as perhaps it should have been, to the reservation some two hundred miles northwest of Conejos.

Ever since the first signing of the treaty the Tabeguaches have from time to time signified to their agents and superintendents their willingness and even their anxiety to remove to their new homes, provided their agents should go with them to locate an agency, and comply with the other stipulations of the treaty. Thus far neither superintendent nor agent has even visited this reservation, and it can hardly be expected that these Indians, ignorant and suspicious as they are, will go to a new and wholly untried country and sit quietly down to await the coming of the agents of the government for the fulfilment of their treaty stipulations. Now I beg leave to assure you that I can take every man, woman, and child, belonging to the Tabeguache band of Utes, at once to their reservation, if I am authorized to assure them that their agent will remain with them; and that the cattle, sheep, and other annuities, due them by the stipulations of their treaty will be promptly supplied. The neglect on the part of the government to furnish the sheep and cattle has been a source of constant complaint from them, and it is and has been most difficult to make them believe that their superintendents and agents have not purposely withheld the stock. This unsatisfied complaint you will remember was what led to the late visit of the Ute delegation to Washington, and the drawing of a new treaty, by which six other bands were confederated with the Tabeguaches. These six bands will now join their relations in their complaints, and I give it as my candid opinion that to move one of these bands, and leave the other six to roam about among the settlements, will not in the least remedy existing difficulties either among Indians or whites. I believe also that unless money can be furnished for the building of two agencies, the removing of the agents and Indians to the reservation, and supplying to each family one cow and five sheep, it will be better to withhold the whole amount for the present.

It is now too late to go over to the reservation before the rise of the streams, some of which are already much swollen. They will run down by the 1st of August, after which, till the 1st of November, the passage may be effected.

I have made this communication unusually long, but I could not express my views in any less space.

I am, sir, your most obedient servant,

A. C. HUNT,
*Governor and ex officio Superintendent Indian Affairs,
Colorado Territory.*

Hon. CHARLES E. MIX,
*Acting Commissioner of Indian Affairs,
Washington, D., C.*